

## UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF PETITIONS** In re Application of

Biessner et al.

Application No. 09/975,628

Filed: October 12, 2001 ON PETITION

Attorney Docket No.:

1009-001US02

This is a decision on the Petition for Withdrawal of the Holding of Abandonment, filed September 6, 2005. The petition is properly treated under 37 CFR 1.181.

The petition is granted.

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due, mailed May 6, 2005. The Notice set a nonextendable three (3) month period for reply. having been received, the above-identified application became abandoned August 7, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

## Applicant's Assertion

Applicant avers non-receipt of the Notice of Allowance and Issue In support, Applicant has provided the necessary statements and copies of the docket record where the nonreceived Office action would have been entered had it been received and docketed. Applicant has demonstrated by a preponderance of the evidence that the Notice of Allowance and Issue Fee Due was not received.

The Notice of Abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application file is being referred to Technology Center 2189 for remailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571), 272-3232.

Attorney

Office of Petitions